

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 4 CASES	

**MOTION TO EXCLUDE THE OPINIONS
AND TESTIMONY OF PAUL J. MICHAELS, M.D.**

Defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson (“Ethicon”) move to exclude the opinions and testimony of Dr. Paul J. Michaels. Dr. Michaels’ proposed opinion testimony is unreliable and irrelevant under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Ethicon incorporates its Memorandum of Law in Support of Motion to Exclude the Opinions and Testimony of Paul J. Michaels, M.D., and also the following exhibits:

- A List of cases to which this motion applies;
- B June 18, 2016 General Deposition of Paul J. Michaels, M.D.;
- C General Expert Report of Dr. Paul J. Michaels dated July 1, 2016;
- D August 25, 2014 Trial Testimony from the Jo Huskey case;
- E March 23, 2016 deposition of Scott Guelcher, Ph.D.;
- F March 2, 2016 deposition of Jimmy Mays;
- G October 30, 2013 deposition of Howard Jordi;

- H June 18, 2016 deposition of Paul J. Michaels, M.D. in the Tamara Carter case;
- I June 18, 2016 deposition of Paul J. Michaels, M.D. in the Marion Chrysler case;
- J February 12, 2014 trial testimony from the Carolyn Lewis case;
- K Eth.Mesh.15955462;
- L General Report of Dr. Steven MacLean, February 14, 2017;
- M S. Benight, *et al.*, *Microscopy of Intentionally Oxidized Polypropylene-Based Mesh Material* (forthcoming May 2016);
- N C.R. Costello, *et al.*, *Characterization of Heavyweight and Lightweight Polypropylene Prosthetic Mesh Explants From a Single Patient*, 14 Surg. Innov. 168 (2007);
- O A. Clave, *et al.*, *Polypropylene As a Reinforcement In Pelvic Surgery Is Not Inert: Comparative Analysis of 100 Explants*, 21 Int. Urogynecol. J. 261, 266 (2010);
- P A.J. Wood, *et al.*, *Materials Characterization and Histological Analysis of Explanted Polypropylene, PTFE, and PET Hernia Meshes from an Individual Patient*, 24 J. Mater. Sci. Mater. Med. 1113 (2013);
- Q W. Jongebloed & J. Worst, *Degradation of Polypropylene in the Human Eye: A SEM Study*, 64 Documenta Ophthalmologica 143 (1986);
- R C. Mary, *et al.*, *Comparison of the In Vivo Behavior of Polyvinylidene Fluoride and Polypropylene Sutures Used in Vascular Surgery*, 44 Am. Soc'y Artificial Internal Organs J. 199 (1998);
- S General TVT Expert Report of Shelby Thames, Ph.D., January 12, 2017;
- T T. Liebert, *et al.*, *Subcutaneous Implants of PP Filaments*, 10 J. Biomed. Mater. Res. 939 (1976);
- U March 25, 2014 Deposition of Scott Guelcher, Ph.D. from the Tonya Edwards case;
- V Eth.Mesh.13334286-13334299;
- W Eth.Mesh.15955438-15955473;

- X V. Iakovlev, et al., *Pathology of Explanted Transvaginal Meshes* (2014);
- Y V. Iakovlev, et al., *Degradation of Polypropylene In Vivo: A Microscopic Analysis of Meshes Explanted From Patients*, J. Biomed. Mater. Res. Part B (2015);
- Z Excerpts from William Westra, et al., *Surgical Pathology Dissection* (2003);
- AA Excerpts from Susan Lester, *Manual of Surgical Pathology* (2010);
- BB March 31, 2016 deposition of Maria Abadi, M.D.;
- CC General Expert Report of Teri Longacre, M.D., February 13, 2017;
- DD General Expert Report of Roger McLendon, M.D., March 1, 2016;
- EE General Expert Report of Hannes Vogel, M.D., March 1, 2016;
- FF A. Hill, et al., *Histopathology of Excised Midurethral Sling Mesh*, 26 Int'l Urogynecol. J. 591 (2015); and
- GG Paul J. Michaels, M.D. *Sierra* Report, May 13, 2016.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the Opinions and Testimony of Dr. Paul J. Michaels.

Respectfully submitted,

ETHICON, INC., ETHICON LLC, AND
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CERTIFICATE OF SERVICE

I certify that on April 13, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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